

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Case No. 05-11454-RBC

JOSEPH H. KORAN, and KIMBERLY  
KORAN, Individually and on Behalf of  
ANA KORAN, JOSEPH KORAN, JR.  
and ERIK KORAN, Minors,

MAGISTRATE JUDGE RBC

V.

ELIZABETH WEAVER, and  
TOWN OF SHERBORN,

Defendants )

RECEIPT # 65988  
AMOUNT \$ 250  
SUMMONS ISSUED Y  
LOCAL RULE 4.1 1  
WAIVER FORM 1  
MCF ISSUED 1  
BY DPT CLK ROM  
DATE 7/8/05

### PLAINTIFFS' COMPLAINT AND DEMAND FOR JURY TRIAL

#### Jurisdiction

This forum is appropriate, pursuant to 28 U.S.C. 1332., as there is diversity of citizens: all plaintiffs from New York and all defendants from Massachusetts. Further, the amount in controversy exceeds \$75,000.

#### Parties

1. Plaintiff Joseph Koran is an individual who resides at 6251 Addison Loomis, Cicero, New York.
2. Plaintiff Kimberly Koran, the wife of Joseph Koran, resides at 6251 Addison Loomis, Cicero, New York.
3. Plaintiff Ana Koran, the daughter of Joseph Koran and Kimberly Koran, resides at 6251 Addison Loomis, Cicero, New York.
4. Plaintiff Joseph Koran, Jr., the son of Joseph Koran and Kimberly Koran, resides at 6251 Addison Loomis, Cicero, New York.
5. Plaintiff Erik Koran, the son of Joseph Koran and Kimberly Koran, resides at 6251 Addison Loomis, Cicero, New York.

6. Defendant Elizabeth Weaver ("Weaver") is an individual who resides at 23 Mayo Street, Framingham, Middlesex County, Massachusetts.
7. Defendant Town of Sherborn ("Sherborn") is a political subdivision located in Middlesex County in the Commonwealth of Massachusetts.

Facts Common to All Counts

8. On February 6, 2003 Joseph Koran was working as a food broker when he drove into the parking lot of The Sherborn Inn at 33 North Main Street in Sherborn.
9. While backing up in the parking lot, Joseph Koran lightly struck another vehicle being operated by Weaver.
10. Joseph Koran and Weaver exited their respective vehicles, Joseph Koran apologized for the accident, and they exchanged papers. Afterwards, Weaver became belligerent and returned to her car. Weaver put her car in gear and sped from the scene. In so doing, she negligently ran over Joseph Koran's left foot, causing harm. She left the scene of the accident despite Joseph Koran's protest.
11. Joseph Koran called 911 to report the incident and shortly thereafter was met by the police and by paramedic personnel ("the paramedics"), employees of Sherborn. The paramedics transported him to Metro West Medical Center in Natick, Middlesex County, Massachusetts.
12. Outside the hospital, upon removing Joseph Koran from the ambulance on a stretcher, the paramedics accidentally and negligently dropped him approximately four feet on to the ground on his back, causing him severe personal injuries.

Allegations

COUNT ONE - Negligence of Elizabeth Weaver

13. Plaintiff realleges paragraphs 1 through 12.
14. The defendant, Weaver, negligently sped away from the accident scene, running over the foot of Joseph Koran,
15. Such negligence directly and proximately causing serious personal injuries to Joseph Koran.

16. Such injuries include the damages stemming from the foreseeable negligence of the paramedics who dropped Joseph Koran from a stretcher.
17. As a direct and proximate result of the negligence of Weaver, Joseph Koran has endured and is likely to continue to endure pain and suffering, emotional distress, an impairment to his earning capacity, and medical expenses in the past and into the future, and other harm.

WHEREFORE, plaintiff Joseph Koran demands judgment against Defendant Elizabeth Weaver in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT TWO - Negligence of Town of Sherborn

18. Plaintiff realleges paragraphs 1 through 17.
19. The defendant, Sherborn, is responsible for the negligent actions of its employees, pursuant to G.L. 258.
20. Such employees, the paramedics, negligently dropped Joseph Koran on his stretcher approximately four feet on to the ground.
21. At all relevant times such employees were acting within the scope of their employment with Sherborn.
22. On April 3, 2003 the plaintiffs, through their attorney at the time, served a notice of presentment letter on Sherborn, pursuant to G.L. c. 258, et seq. A true and accurate copy of such letter is attached hereto as Exhibit A.
23. Sherborn effectively denied the plaintiffs' claim by failing to deny such claim in writing within six months after the date upon which the claims were presented, per G.L. c. 258, § 4.
24. The plaintiffs in all respects have fully complied with all of the conditions precedent to the commencement of this action.
25. As a direct and proximate result of the negligence of a public employee of defendant Sherborn, Joseph Koran has endured and is likely to continue to endure pain and suffering, emotional distress, an impairment to his earning capacity, and medical expenses in the past and into the future, and other harm.

WHEREFORE, plaintiff Joseph Koran demands judgment against Defendant

Town of Sherborn in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT THREE - Loss of Consortium of Kimberly Koran as to Elizabeth Weaver

26. Plaintiff realleges paragraphs 1 through 25.
27. As a direct and proximate result of the negligence of the defendant, Weaver, Kimberly Koran has suffered the loss of consortium of Joseph Koran, including the loss of his society, services, companionship, and affection.

WHEREFORE, plaintiff Kimberly Koran demands judgment against Defendant Elizabeth Weaver in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT FOUR - Loss of Consortium of Kimberly Koran as to Town of Sherborn

28. Plaintiff realleges paragraphs 1 through 27.
29. As a direct and proximate result of the negligence of a public employee of Sherborn, Kimberly Koran has suffered the loss of consortium of Joseph Koran, including the loss of his society, services, companionship, and affection.

WHEREFORE, plaintiff Kimberly Koran demands judgment against Defendant Town of Sherborn in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT FIVE - Loss of Consortium of Ana Koran as to Elizabeth Weaver

30. Plaintiff realleges paragraphs 1 through 29.
31. As a direct and proximate result of the negligence of the defendant, Weaver, Ana Koran has suffered the loss of consortium of Joseph Koran, including the loss of his companionship, society, and affection.

WHEREFORE, plaintiff Ana Koran demands judgment against Defendant Elizabeth Weaver in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT SIX - Loss of Consortium of Joseph Koran, Jr. as to Elizabeth Weaver

32. Plaintiff realleges paragraphs 1 through 31.
33. As a direct and proximate result of the negligence of the defendant, Weaver, Joseph Koran, Jr., has suffered the loss of consortium of Joseph Koran, including the loss of his companionship, society, and affection.

WHEREFORE, plaintiff Joseph Koran, Jr. demands judgment against Defendant Elizabeth Weaver in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT SEVEN - Loss of Consortium of Erik Koran as to Elizabeth Weaver

34. Plaintiff realleges paragraphs 1 through 33.
35. As a direct and proximate result of the negligence of the defendant, Weaver, Erik Koran has suffered the loss of consortium of Joseph Koran, including the loss of his companionship, society, and affection.

WHEREFORE, plaintiff Erik Koran demands judgment against Defendant Elizabeth Weaver in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT EIGHT - Loss of Consortium of Ana Koran as to Town of Sherborn

36. Plaintiff realleges paragraphs 1 through 35.
37. As a direct and proximate result of the negligence of a public employee of defendant, Sherborn, Ana Koran has suffered the loss of consortium of Joseph Koran, including the loss of his companionship, society, and affection.

WHEREFORE, plaintiff Ana Koran demands judgment against Defendant Town of Sherborn in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT NINE - Loss of Consortium of Joseph Koran, Jr. as to Town of Sherborn

38. Plaintiff realleges paragraphs 1 through 37.
39. As a direct and proximate result of the negligence of the defendant, Sherborn, Joseph Koran, Jr. has suffered the loss of consortium of Joseph Koran, including the loss of his companionship, society, and affection.

WHEREFORE, plaintiff Joseph Koran, Jr. demands judgment against Defendant Town of Sherborn in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

COUNT TEN - Loss of Consortium of Erik Koran as to Town of Sherborn

40. Plaintiff realleges paragraphs 1 through 40.
41. As a direct and proximate result of the negligence of the defendant Town of Sherborn, Erik Koran has suffered the loss of consortium of Joseph Koran, including the loss of his companionship, society, and affection.

WHEREFORE, plaintiff Erik Koran demands judgment against Defendant Town of Sherborn in an amount to be determined by the Court, plus interest, costs, attorneys' fees and such additional and further relief as the Court deems just.

Jury Demand

The plaintiffs demand a trial by jury as to all issues raised in this complaint.

Respectfully,  
By Their Attorneys,



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CARMEN L. DURSO, ESQUIRE  
B.B.O. # 139340  
ROBERT C. GABLER, ESQUIRE  
B.B.O. # 547227  
Suite 3232  
100 Summer Street  
Boston, MA 02110-2104  
(617) 728-9123  
July 9, 2005

# EXHIBIT A

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"><li>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature <i>Justice M. Juras</i></p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 7/7/03</p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below:</p> <p>RECEIVED SHERIFF MAILED 7/7/03</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
1. Article Addressed to:  <i>Mrs. CAROLINE MARIE SILVERBURN TOWN CLERK 19 WASHINGTON STREET P.O. BOX 186 SILVERBURN, MA 01770</i>		2. Article Number (Transfer from service label) 7001 1940 0002 1024 1044	
PS Form 3811, August 2001		Domestic Return Receipt	
		102585-01-M-2509	

**JOSEPH & JOSEPH**  
**ATTORNEYS AT LAW**  
**888 Worcester Road, Suite 230**  
**Wellesley, Massachusetts 02482**

SHELLEY M. RICHMOND JOSEPH  
SCOTT A. JOSEPH

TELEPHONE 781.371.0110  
FACSIMILE 781.431.8881

April 3, 2003

VIA REGULAR AND CERTIFIED MAIL  
RETURN RECEIPT NO. 7001 1940 0002 1024 1044

Ms. Carole Marple  
Sherborn Town Clerk  
19 Washington Street  
P.O. Box 186  
Sherborn, Massachusetts 01770

Re: Joseph Koran  
Date of Loss: February 6, 2003

Dear Ms. Marple:

Please be advised that this office represents Joseph Koran who suffered serious personal injuries as a result of the negligent acts and omissions of the Sherborn Fire and Rescue Department on or about February 6, 2003. This letter is being sent pursuant to Massachusetts General Laws chapter 258, sec. 2, et. seq.

On or about February 6, 2003, Mr. Koran was involved in a minor motor vehicle accident in the parking lot of the Sherborn Inn, located in Sherborn, Massachusetts. After exchanging insurance information, the other driver became agitated, entered her vehicle, and ran over Mr. Koran's left foot. Mr. Koran called 911 for emergency assistance. Deputy Chief Ron Buckley, along with Paramedics Tolson and Christensen (the "Paramedics") of the Sherborn Fire and Rescue Department subsequently arrived upon the scene in response to Mr. Koran's telephone call.

The paramedics strapped Mr. Koran onto a stretcher in a seated position. He was placed in the ambulance and his foot was iced during the trip to the MetroWest Medical Center in Natick, Massachusetts (the "Hospital"). The Paramedics accompanied Mr. Koran to the Hospital.

Upon arrival at the Hospital, one of the Paramedics stood at the back of the ambulance facing Mr. Koran while holding the stretcher at Mr. Koran's feet. The other

Paramedic remained behind Mr. Koran, inside the ambulance. While removing Mr. Koran from the ambulance, the stretcher was dropped and it slammed to the ground. Mr. Koran, who was strapped to the stretcher in a seated position, landed directly on his tailbone. The Paramedics were not able to return the stretcher to an upright position and were forced to wheel Mr. Koran into the Hospital emergency room at floor level.

As a result of the vehicle being driven over his left foot, Mr. Koran suffered soft tissue damage for which he was treated at the Hospital and continues to receive physical therapy.

As a result of the negligent acts and omissions of the Paramedics, Mr. Koran suffered ongoing serious injuries to his back.

On or about February 9, 2003, Mr. Koran began to suffer from severe headaches and back pain. Mr. Koran visited his physician, Dr. Felipe Diaz, on February 10, 2003, who identified two areas of severe pain. Mr. Koran was treated with several injections to alleviate the excruciating pain and to reduce inflammation. On or about February 12, 2003, Mr. Koran had an MRI which revealed a bulging disk in his lower back which is grazing the nerve root causing him constant pain and discomfort. Mr. Koran continues to receive physical therapy upon his back.

Mr. Koran also suffers from excruciating headaches, high blood pressure and is in constant discomfort as a result of the negligent acts and omissions of the Paramedics.

The back injuries suffered by Mr. Koran have drastically affected both his professional and personal life. Mr. Koran is a regional manager of a food service company whose job entails extensive travel. As a result of such injuries, his ability to travel has been seriously curtailed and he has lost earnings. In addition, he can no longer assist his wife with household duties and has difficulty managing his two small children.

The Town of Sherborn, Massachusetts is liable for the damages suffered by Mr. Koran due to the negligent acts and omissions of the Paramedics resulting in the dropping of the stretcher causing injury to his back while removing Mr. Koran from an ambulance on or about February 6, 2003. As emergency medical service personnel, the Paramedics owed Mr. Koran the highest degree of care, and their actions clearly breached such duty of care. Accordingly, Mr. Koran hereby demands the payment of \$100,000.00 in damages.

I look forward to your reply.

Very truly yours,



Scott A. Joseph

cc: Joseph Koran

C:\My Documents\Scott Office\Koran\Ch258Letter 04.03 03.doc

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) KORAN, JOSEPH H. v. WEAVER, ELIZABETH

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

I. 180, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 388, 400, 440, 441-444, 540, 550, 558, 625, 710, 720, 730, 740,  
790, 791, 820\*, 830\*, 840\*, 850, 860, 892-894, 895, 950. \*Also complete AO 120 or AO 121  
for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,  
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,  
380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,  
690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?  YES  NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403)  YES  NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?  YES  NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284?  YES  NO

7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL DIVISION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)).  YES  NO   
OR IN THE WESTERN DIVISION (BERKSHIRE, FRANKLIN, HAMDEN OR HAMPSHIRE COUNTIES)? (SEE LOCAL RULE 40.1(D)).  YES  NO

8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN DIVISIONS OF THE DISTRICT?  YES  NO   
(a) IF YES, IN WHICH DIVISION DOES THE PLAINTIFF RESIDE? \_\_\_\_\_

9. IN WHICH DIVISION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? Eastern

10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE  
CENTRAL DIVISION; YES  NO  OR WESTERN DIVISION; YES  NO

11. ALTERNATIVE DISPUTE RESOLUTION - IS THIS CASE SUITABLE FOR ADR? IF SO, BY WHICH ADR?  
EARLY NEUTRAL EVALUATION  MEDIATION  SUMMARY JURY/BENCH TRIAL   
MINI-TRIAL  OTHER

(PLEASE TYPE OR PRINT)  
ATTORNEY'S NAME CARMEN L. DURSO and ROBERT C. GABLER

ADDRESS 100 SUMMER ST., STE. 3232, BOSTON, MA 02110

TELEPHONE NO. (617) 728-9123

(Category Form.wpd - 3/28/2000)

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I (a) PLAINTIFFS**

Koran, Joseph H., and Kimberly on Behalf of Ana  
Koran, Joseph Koran, Jr., and Erik Koran, Minors

**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** Onondago  
County, New York  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Carmen L. Durso, Esq.  
Robert C. Gabler, Esq.  
Law Office of Carmen Durso  
100 Summer St., 32<sup>nd</sup> Floor  
Boston, MA 02110 (617) 728-9123

**DEFENDANTS**

Weaver, Elizabeth and Town of Sherborn

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Middlesex  
County, Massachusetts

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED

**II. BASIS OF JURISDICTION** (PLACE AN X IN ONE BOX ONLY)

- |  |   |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)                     |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties IN Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN X IN ONE BOX

- |   |                                       |   |  |
|---|---------------------------------------|---|--|
| (For Diversity Cases Only)              |                                       | (FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) |  |
| Citizen of This State                   | <input type="checkbox"/> 1            | PTF                                       | DEF  |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/>                  | <input type="checkbox"/> Incorporated or Principal Place of Business in This State     |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input checked="" type="checkbox"/> 3     | <input type="checkbox"/> Incorporated and Principal Place Of Business in Another State |
|   |                                       |   | Foreign Nation   |

**IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)**

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal <input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury — Med Malpractice	28 USC 158 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury — Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<b>PERSONAL PROPERTY</b>		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 891 Agricultural Acts	
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 892 Economic Stabilization Act	
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 894 Energy Allocation Act	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 950 Constitutionality of State Statutes	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Other	<input type="checkbox"/> 890 Other Statutory Actions	
<input type="checkbox"/> 290 All Other Real Property				
		<b>LABOR</b>	<b>SOCIAL SECURITY</b>	
		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1986f)	
		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	
		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 OWC/DWW (405(g))	
		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	
		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	
		<input type="checkbox"/> 791 Empl. Ref. Inc. Security Act	<b>FEDERAL TAX SUITS</b>	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS — Third Party 26 USC 7609	

**V. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- |   |   |  |   |  |   |
|---|---|--|---|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (Specify) | <input type="checkbox"/> 6 Multidistrict Litigation |
|---|---|--|---|--|---|

Appeal to District  
7 Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY. Defendant negligently ran over Plaintiff's foot. Plaintiff was taken from the scene in an ambulance. Paramedics, employees of Defendant Sherborn, dropped him on his back upon removing the stretcher. Both Defendants caused personal injuries.

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION  DEMAND \$  JURY DEMAND: x YES  NO  
COMPLAINT:  UNDER F.R.C.P. 23

**VIII. RELATED CASE(S)** (See Instructions)

**IF ANY**

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD